

### Remarks

In the Office Action, the Examiner noted that Claims 1-30 are pending in the application, and that Claims 1-30 are rejected. By this amendment, Claims 1, 11 and 21 have been amended. Attached is amended drawing Figure 3, which has been amended to include descriptive textual labels in response to the Examiner's objection. The amendments to the claims and drawings do not add new matter to the application. The Examiner's rejections are traversed below.

#### *Rejections Under 35 USC 102 and 103*

Independent Claims 1, 11 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Boothby (US Patent 5,943,676) in view of Gehani (US Patent 5,765,171). The rejection alleges that Boothby teaches "designating a first database as a source database and a second database as a target database" at col.2, lines 34-63. Applicant respectfully asserts that Boothby does not teach or suggest step "a" of Claims 1, 11 and 21, respectively. The relied upon passage in Boothby only teaches that there is a first and a second database. The relied upon passage clearly does not teach or suggest that the first database is designated as a source database, and/or that the second database is designated as a target database.

The rejection further alleges that Boothby teaches "examining a first modification flag of a first data record in said source database" at col. 21, lines 27-35. Applicant respectfully asserts that Boothby does not teach or suggest step "b" of Claims 1, 11 and 21, respectively. The relied upon passage in Boothby only teaches that a database may contain

modification flags which are set when a corresponding record is created or modified, and that they can be cleared. The relied upon passage does not teach or suggest determining the state of the modification flag of a first data record in said source database.

The rejection further alleges that Boothby teaches “providing that said first modification flag is set, propagating said first data record to said target database” at col. 19, line 54 to col. 20 line 11. The relied upon passage in Boothby concerns a history file which comprises a third database. Furthermore, the relied upon passage does not recite the same flag relied upon by the rejection as teaching step “b” of Claims 1, 11 and 21, respectively. The present invention as claimed in Claims 1, 11 and 21, comprises determining the state of a modification flag of a record in a source database and propagating the data record to a target database if the modification flag is set. In contrast, the relied upon sections of Boothby comprise a first flag, a second unrelated flag and a transfer of a record to a history database (e.g., a third database).

The rejection correctly notes that Boothby does not teach “provided that said first modification flag is not set, comparing a first modification count of said first data record with a second modification count of a corresponding data record in said target database, said first and second modification counts each being a value indicating how many times said first data record and said corresponding data record has been modified respectively” or “provided that said first modification count has a higher value than said second modification count, updating said corresponding data record according to said first data record, wherein said steps a) through e) can be completed without comparing raw data of said first data record and said

corresponding data record”. Instead, the rejection alleges that Gehani teaches steps “d” and “e” of Claims 1, 11 and 21 respectively.

Applicant respectfully asserts that Gehani does not teach or suggest steps “d” and/or “e” of Claims 1, 11 and 21, respectively. To the extent that Gehani teaches a modification count, Gehani teaches away from the combination of a single flag and a single count for a given data record in a given database. Gehani teaches a method of synchronizing utilizing a version vector and a database version vector. For each data record in a given database, Gehani teaches the use of a version vector comprising a server identifier and a corresponding modification count for the particular data record in the particular database. Synchronizing as taught by Gehani comprises analyzing each server identifier and each corresponding count value. (Col. 5, lines 1-36). The disclosure of Gehani specifically teaches that a plurality of counts, concerning a particular data record, need to be compared. When a data record in a first database on one server is being synchronized with the corresponding data record in a second database on another server, the count for that particular data record in each database on each server need to be compared.

The synchronizing method as taught by Gehani also requires a database version vector. The database version vector comprises a database version count for each database server. The count in the database version vector as taught by Gehani does not indicate the number of times that a particular data record has been modified. Instead, Gehani teaches that the database version vector indicates the total number of all data records, within the particular database of each server, that have been modified. (Col. 6, lines 31-54).

Furthermore, Gehani does not teach, suggest or provide the motivation to combine any of the plurality of counts in either the version vectors and/or the database vectors with a modification flag. Accordingly Gehani does not teach, suggest comparing a first modification count of said first data record with a second modification count of a corresponding data record in said target database, said first and second modification counts each being a value indicating how many times said first data record and said corresponding data record has been modified respectively, provided that said first modification flag is not set. Gehani also does not teach of suggest updating said corresponding data record according to said first data record, wherein said steps a) through e) can be completed without comparing raw data of said first data record and said corresponding data record, provided that said first modification count has a higher value than said second modification count.

For the above-advanced reasons, the present invention as claimed in Claims 1, 11 and 21, are patentable over Boothby in view of Gehani, Therefore, withdrawal of this rejection is respectfully requested.

Dependent Claims 2-7, 12-17 and 22-27, stand rejected under 35 USC 103(a) as being unpatentable over Boothby in view of Gehani. Applicant respectfully submits that dependent Claims 2-7, 12-17 and 22-27, depend from patentable independent Claims 1, 11 and 21, respectively, and incorporate all the limitation thereof. Thus, Claims 2-7, 12-17 and 22-27, are also patentable for the above-advanced reasons with respect to independent Claims 1, 11 and 21. Accordingly, withdrawal of this rejection is respectfully requested.

Dependent Claims 8, 18 and 28, stand rejected under 35 USC 103(a) as being unpatentable over Boothby and Gehani in view of Boothby (US Patent 5,548,990).

Applicant respectfully submits that dependent Claims 8, 18 and 28, depend from patentable independent Claims 1, 11 and 21, respectively, and incorporate all the limitation thereof.

Thus, Claims 8, 18 and 28, are also patentable for the above-advanced reasons with respect to independent Claims 1, 11 and 21. Accordingly, withdrawal of this rejection is respectfully requested.

Dependent Claims 9, 10, 19, 20, 29 and 30, stand rejected under 35 USC 103(a) as being unpatentable over Boothby and Gehani in view of Taivalasaari (US Patent 6,366,898).

Applicant respectfully submits that dependent Claims 9, 10, 19, 20, 29 and 30, depend from patentable independent Claims 1, 11 and 21, respectively, and incorporate all the limitation thereof. Thus, Claims 9, 10, 19, 20, 29 and 30, are also patentable for the above-advanced reasons with respect to independent Claims 1, 11 and 21. Accordingly, withdrawal of this rejection is respectfully requested.

#### Conclusion

For all the reasons advanced above, Applicant respectfully submits that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

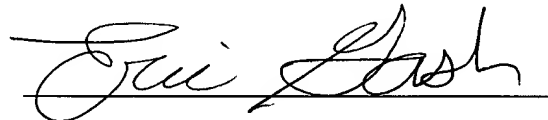
The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: May 21, 2003

A handwritten signature in cursive script, appearing to read "Eric J. Gash", written over a horizontal line.

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